

2011 LEGISLATIVE POLICIES

The City of Fremont opposes any legislation or regulations that preempt local authority, negatively impact the City's budget, and/or impose unfunded mandates on the City. The City supports the use of incentives to encourage local government action, rather than the imposition of mandates. In general, the City of Fremont only takes positions on issues of direct relevance to local governments. Issues not directly relevant to local governments may be handled on a case-by-case basis.

Economic Development

- **Business Incentives** – The City requests that efforts to attract new business to the State are at least revenue neutral to local governments and do not impact the limited revenues received.
- Support state and federal efforts to continue to fund economic stimulus programs.
- Support state and federal efforts to enact jobs legislation.
- Support state and federal efforts to financially support small business entrepreneurship training and assistance.

Elections

- **All-mail ballot elections:** The City supports legislation to allow cities to conduct all-mail ballot elections, particularly for stand-alone local elections. Such elections will help cash-strapped local governments save money.

Employee Relations

- **Pension reform:** Employer costs for the State's defined benefit retirement system (CalPERS) have increased significantly in recent years, due in large part to significant investment losses sustained by CalPERS. The Legislature continues to explore various means of achieving cost control and budget certainty. The City supports pension reform, provided that it achieves savings without imposing additional costs to the City. Once such reform is second tier PERS benefits.

Existing law allows a CalPERS local contracting agency to amend its contract with CalPERS in order to create a second tier of benefits, subject to certain restrictions. The second tier can only apply to employees who are hired after the contract effective date or who change membership classification after the contract amendment date. Existing law also prohibits local agencies from amending their

contracts with CalPERS to reduce employee benefits for existing employees. However, a second tier, which applies to prospective employees only, may provide a lesser or different level of optional benefits than exists for employees in the first tier. The City opposes legislation to eliminate a local contracting agency's ability to reduce or modify benefits for new employees of the agency.

- **Mandated employee benefits:** Decisions about employees' health and retirement benefits should be made at the local level, through the collective bargaining process, not mandated by the State. Therefore, the City opposes legislation mandating local employee benefits because such benefits can impose financial costs and administrative burdens on local governments.
- **4850 benefits:** Under current law (Labor Code Section 4850), public safety employees who are totally temporarily disabled by injury or illness on the job are entitled to a leave of absence at full salary, tax free, for up to one year. The City opposes legislation to extend that timeframe.
- **Workers' compensation:** The City opposes any new or additional workers' compensation benefits and supports legislation to further reform the system and lower employer costs.
- **Mandatory Social Security coverage:** Various federal commissions and entities have recommended mandatory Social Security coverage for newly hired local government employees. This is, at best, a short-term solution to a federal government problem and would result in additional salary costs to both the City and newly hired employees. Public plans (e.g., CalPERS) were established before Social Security and continue to serve employees well. Social Security - not public plans - has lived beyond its means, resulting in attempts to find new revenues (e.g., bringing newly hired local government employees into the system). The City opposes mandatory Social Security coverage.
- **Social Security and local government pensions:** Current law provides for reduced Social Security benefits if an employee retires from a local agency and is also eligible for Social Security benefits for work performed at another employer that participated in Social Security. This occurs through either the Windfall Elimination Provision (WEP), because of the employee's own Social Security account, or the Government Pension Offset (GPO), because of the employee's access to the account of a spouse or ex-spouse. Because of these provisions, a potential employee who has spent the majority of his or her career in the private sector could be disinclined to consider a position in the public sector because of the associated

decrease in the Social Security pension. The City supports modifying the legislation so that City employees are not penalized for work performed in addition to their local government service.

- **Retiree medical:** As a result of a Governmental Accounting Standards Board (GASB) change, local agencies are now required to account for their liability for retiree medical benefits, also known as Other Post-Employment Benefits (OPEB). Instead of accounting for these benefits on a pay-as-you-go basis, which is what many local governments did, agencies are now required to report their annual OPEB costs and their unfunded actuarial liabilities for past service costs. The new GASB requirements are intended to improve transparency in government accounts by making it easier to determine the future liability for OPEB expenses for a given government and to assess whether the government has a strategy for meeting these requirements. The California Public Employees' Retirement System is offering local agencies a program to pre-fund their OPEB obligations. While the City may choose to participate in such a program in the future, the City opposes any legislation that would make such participation mandatory. The City does, however, support legislation that expands the universe of employee self-funded medical benefits on a tax-advantaged basis under State law in coordination with programs and funding mechanisms developed under federal law.

Environment

- **Recycling:** The City supports continuation of existing California Integrated Waste Management Act (AB 939) waste diversion requirements. The City also supports diversion measurement and reporting improvements that do not adversely impact the assessment of compliance efforts made by local jurisdictions. Local jurisdictions should be considered in compliance with AB 939 goals if they have met the waste diversion goals or if they are making a good faith effort to implement applicable Source Reduction and Recycling Element (SRRE) programs.
- **Sustainable development:** The City supports legislation that provides financial and technical support to local government in implementing sustainable development practices such as transit-friendly development, "green building," and other sustainable practices.
- **Climate protection:** The City supports legislation and policies that assist local government in meeting or exceeding locally established goals of reducing global warming pollution levels to 25% below the 2005 levels by 2020. These efforts may

include reducing dependence on fossil fuels, developing alternative energy resources, and developing fuel-efficient technologies.

- **Local autonomy:** The City opposes legislation that preempts local planning decisions regarding solid waste facility sites, preempts local solid waste and AB 939 fee setting authority, or imposes taxes or fees on local solid waste programs to fund State programs not directly related to solid waste management.
- **Landfill:** The City supports legislation and the development of alternative technologies such as anaerobic digestion or mixed waste processing that result in waste diversion from landfills.
- **Litter control and abatement:** The City supports legislation to address litter control and abatement problems in California, including measures that assist local and regional jurisdictions with enforcement and abatement and expand the authority of the California Highway Patrol to include enforcement measures for any vehicle generating litter on public roads; provide for effective enforcement of antilitter laws; implement a strong statewide anti-litter outreach campaign; and provide funding for cleanup of littered areas. The City supports development of regulations that gradually eliminate the use of single-use products (e.g. carry out bags and polystyrene) and the resulting litter and waste, and encourage the use of durable reusable products.
- **Producer responsibility:** The City supports legislation to require manufacturers to assume financial and/or physical responsibility for the costs of collecting, processing, recycling, or disposing of products at end-of-life, especially those products that create significant economic burdens on local government for end-of-life management either because high volumes of the material exist in the waste stream, or because the nature of the product makes it difficult to manage in the current integrated waste management system. Examples include pharmaceuticals, sharps, electronic waste, household hazardous waste, universal waste or other products that requiring special handling.
- **Recycled product market development:** The City supports legislation encouraging manufacturers to include post-consumer recycled material in their products, and encouraging state and local government agencies and school districts to purchase products made with post-consumer recycled material, that reduce waste, and that reduce toxicity of materials that may be discarded or disposed in the future.

- **Stormwater program funding:** The City supports legislation that would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements.

Homeland Security and Public Safety

- **Reimbursement:** Since the events of September 11, cities have had to assume additional staffing and equipment costs for emergency preparedness and public safety. Although local governments are usually the first to respond in cases of natural disasters and acts of terrorism, they receive little financial and technical assistance from the State and federal governments. The City supports legislation to provide resources for emergency planning, training, exercises, and equipment for emergency workers.
- **COPS funding:** The City supports funding for the Citizens' Option for Public Safety (COPS) program, which helps pay for police officer salaries and benefits. One of the funding mechanisms employed in recent years has been an increase in vehicle registration fees. This increase will sunset in June 2011. The Governor's budget proposes to continue the 0.15 percent temporary increase in the VLF, which provides funding for the Citizens Option for Public Safety (COPS) and Juvenile Justice Crime Prevention Act programs. The City supports the proposed extension of the VLF increase and legislation to retain funding for this program.
- **Fire service funding:** The City supports funding for disaster preparedness and training, including the Staffing for Adequate Fire and Emergency Response (SAFER) program, which helps pay for firefighter salaries and benefits, and funding for the Metropolitan Medical Response System (MMRS).
- **Fire protection in schools:** The City supports requiring the installation of automatic fire sprinkler systems in new and remodeled schools. The City has a comprehensive fire sprinkler ordinance that requires fire sprinkler systems to be installed in all new buildings and existing apartment buildings with internal corridors accommodating ten or more apartments. Because public schools fall under the State's jurisdiction, however, this life- and property-saving ordinance does not apply to them.
- **TASERs:** The City does not oppose further research efforts on the effects of the TASER, a less-lethal weapon that can protect police officers from injuries suffered during arrests. However, the City does oppose a ban or severe restrictions on the use of the TASER while any study is being conducted. Should such a study be commissioned, local law enforcement must be included in the development of a study plan.

- **Interoperability:** The City supports funding for interoperability initiatives to better facilitate coordinated and effective emergency response by police, fire, EMS, and non-public safety departments in cities and across regional jurisdictions.

Human Services

- **Multipurpose Senior Service Program:** The Governor's 2011-2012 proposed budget includes the elimination of funding for the Multipurpose Senior Service Program (MSSP), which diverts nursing home-eligible low-income elders from placement in much more expensive nursing care facilities. Forty-one sites, including Fremont, provide care management for frail elderly clients who must be certified for placement in a nursing facility but who choose to live at home with MSSP support. The program is a cost-effective alternative to nursing homes, at approximately 1/7 of the cost to tax payers, and every dollar the State spends on MSSP is matched by a federal dollar. The City, therefore, opposes the elimination or reduction of MSSP and supports increasing State funding for this important program through the passage of a cost-of-living adjustment and an increase in the number of participant slots available for the program.
- **Community Development Block Grant Funding (CDBG):** The City opposes any reductions to formula funding for the Community Development Block Grant Program. Any reduction would severely impact the City's ability to fund social services, fair housing and public facilities projects that benefits low and moderate income individuals and families.
- **Services for seniors:** The City opposes funding cuts for community-based programs that serve seniors, and supports cost-of-living adjustments for Social Security and other entitlement programs.
- **Medi-Cal access and health care funding:** The City supports easing access to Medi-Cal so that more needy people can qualify for benefits. In addition, the City supports reducing the bureaucratic hurdles that make it difficult for those who qualify for Medi-Cal to receive the benefit. In addition, the City supports expanding funding for health care for low-income and/or medically indigent individuals. In addition the city supports expanding federal support for Medi-Cal reimbursement programs such as Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM). The City supports legislative efforts to comply with the new health care reform legislation, and opposes any efforts to rescind the legislation.
- **CalWorks:** The City opposes any reductions in the CalWorks program, including reductions in the time beneficiaries are allowed to receive welfare benefits.

- **Child Care:** The City supports state efforts to re-instate funding for Stage 3 childcare, which continues to provide some child care support to families who are recently employed and off of welfare.
- **At-risk children and youth:** The City supports funding for programs, such as Proposition 49 and Proposition 10, which provide early intervention for infant, toddlers and school age children. For adolescents the City supports youth development programs that promote civic engagement and reduce delinquency through conflict resolution and gang resistance programs with vocational training and employment opportunities.
- **Family Resource Centers:** The City supports funding for family resource centers, which provide comprehensive integrated programs to improve the quality of life and strengthen individuals, teens, and families through services and activities.
- **Economic self-sufficiency:** The City supports funding for family economic self-sufficiency programs such as money management classes, Individual Development Accounts (IDAs) and the Volunteer Income Tax Assistance (VITA) program, which helps low-income individuals file their tax returns and qualify for the various credits and deductions available to them.
- **Services for special populations:** The City supports providing funding for affordable housing and other supportive services for special populations like people living with AIDS or other disabilities and the mentally ill.
- **Mental health:** The City supports providing funding for community education about the value of early intervention and treatment for mental disorders, including substance abuse. The City also supports enforcement of regulations requiring that health insurance policies treat addiction and mental illness on a par with other illnesses.
- **Homelessness:** The City supports legislative efforts that allocate any future Homeless Emergency and Rapid Transition to Housing Act (HEARTH) funding directly to local municipal and County jurisdictions.

Land Use

- **Preservation of local land use authority:** The City opposes legislation that would remove or limit local government land use authority.

- **Housing elements:** The City opposes legislation that penalizes local governments for noncompliance with their housing element requirements, since the compliance is based on several factors, like the economy, that are not within the control of local government. Proposed penalties have included loss of gas tax funds and court-ordered penalties for noncompliance. In light of the Governor's recent budget proposals, affordable housing mandates may need to be changed if redevelopment agencies are eliminated.

Parks and Recreation

- **Playground safety guidelines:** Playground safety guidelines are often manufacturer-driven but devolve to local governments as State mandates. The City supports legislation that protects cities from liability for use of playgrounds, and supports ensuring that all new safety mandates come with associated funding to help cities comply with the guidelines.
- **Day camps:** The State's Health and Safety Code exempts city recreation programs from registering as child daycare providers, but only if those programs are operated for a total of 12 or fewer weeks during a 12-month period. This total applies to any 12 weeks within a 12-month period, without regard to whether the weeks are consecutive. As a consequence, school-aged children have fewer safe, fun options for spending their vacation days, and their working parents must find alternate, possibly more expensive activities for them. The City opposes legislation that limits the City's ability to offer day camp programming during the summer and other school vacations.

Redevelopment & Housing

- **Redevelopment Agency Elimination:** In November 2010, voters passed Prop. 22, to stop the State from taking, borrowing or redirecting local government funds, to include local redevelopment. Under the Governor's proposal, \$1.7 billion would be shifted for state purposes (courts and Medi-Cal) in FY 2011-12, but in future years the funds would flow back to local agencies, including schools. The City opposes any legislation that changes the legal mandates of the California Redevelopment Law and eliminates local authority of the use of redevelopment funds.
- **State Takeaways - Educational Revenue Augmentation Fund (ERAF): In 2009-10 and 2010-11,** redevelopment agency funds were subjected to sudden and unanticipated State takeaways to fund ERAF as part of the State's efforts to balance its budget. The City strongly opposes any State takeaways of redevelopment funds on the grounds that they are unconstitutional and impair orderly funding of critical redevelopment

activities. The City supports the legal challenge brought by the California Redevelopment Association to nullify this unconstitutional State raid on redevelopment funds.

- **Legislation – Major Regional Manufacturing Facilities Reuse:** The City supports legislative efforts to facilitate and streamline the process for adoption of redevelopment plans to address the closure of major regional manufacturing facilities, similar to past legislation for closed military bases.
- **Clarification Efforts Regarding Past Legislation (AB1389):** The City urges clarifications of AB 1290 statutory pass-through payment ambiguities to give certainty to redevelopment agencies and county auditors in calculating, reporting and paying statutory pass-through payments per AB 1389. This includes clarification of the accounting and reporting treatment for statutory pass-through payments to the accounting device called “ERAF” in Alameda County.
- **Benefits of Redevelopment:** Redevelopment has been, and continues to be, an effective tool for the financing and development of housing, infrastructure and commercial/industrial facilities in the State, as well as a major source of employment, income and tax revenue for local communities. To date, despite the important role of redevelopment in California, there has not been an emphasis on documenting the comprehensive economic impact of redevelopment activities statewide. The City supports continued efforts to assess the social and financial benefits of redevelopment, including number of jobs created, taxes generated from redevelopment agencies, and other community benefits, and to collaborate with other Bay Area agencies in promotion of such data.
- **Affordable housing:** Fremont continues to be firmly committed to the production of high quality, affordable housing for a range of income levels and target populations such as families, seniors and special needs. Any State takeaways of Redevelopment Agency Affordable Housing Funds would severely impact the Agency's current and future development projects. There should also be recognition that due to the multi-source nature of financing, affordable housing developments generally require three to five years to build the equity necessary to complete a project. Therefore, Affordable Housing Funds should be considered encumbered once the Agency Board has passed a resolution or taken some other formal action to reserve funds for a particular housing development or program.
- In addition, the City joins other communities across the State in urging the creation of a long term funding source that is dedicated to financing housing that is

affordable to a range of incomes, from extremely low to moderate. City agrees that the State should continue its current programs, with future distribution of funds at both state and local levels. City also encourages multiple sources of funding to ensure stability.

- **Investment in facilities with regional benefit:** Investment in facilities of regional benefit, especially mass transit, should be de facto approved uses for redevelopment funds, inside or outside of project area boundaries. Relaxation of restrictions on strict benefit findings, and elimination of grounds for challenge in this area, would help agencies.

Revenue and Taxation

- **Fiscal reform:** Since 1991, the State has drained more than \$30 billion of local property taxes from cities, counties and special districts - costing cities alone more than \$7 billion over the last 12 years. Even in years of budget surpluses, the State has used local funds to finance its constitutional funding obligation to public education, allowing it to increase State general fund spending for other programs at the expense of vital local services. The passage of Proposition 1A on the November 2004 ballot guaranteed the City some measure of protection against future State raids. Under the terms of Proposition 1A, however, the State can proclaim "severe fiscal hardship" and once again "borrow" local revenues, twice within a ten-year period and providing prior loans have been repaid. Local government cannot continue to subsidize the State. Every time Sacramento dips into local coffers to help balance its budget, cities and counties must cut critical local services like public safety and maintenance. The City opposes State efforts to "borrow" additional local revenues and encourages the State to find other ways to balance its budget. If the State does borrow despite local governments' protests, the loan should be repaid at an appropriate rate of interest.
- **Lower threshold for local taxes:** Local governments cannot easily raise revenues and Proposition 26 has made this even more difficult. Taxes to fund specific, important services, like park and street maintenance, public safety, and library hours, must be approved by a two-thirds majority of the voters. This high vote requirement makes it extremely difficult for many cities to raise needed monies. The City therefore supports a constitutional amendment to lower the threshold for approval of local taxes to either 55% (the same requirement schools now face) or to a simple majority.
- **E-commerce:** Sales of goods and products over the Internet pose a serious threat to the City's overall sales tax revenue base. At a minimum, the Legislature should enact

legislation to close the loophole in current law that allows corporations with a physical presence, or nexus, in California to evade their sales and use tax obligations by setting up related web-based businesses based outside California.

- **Flexibility in use of funds:** The State has discovered that it can change rules regarding funds normally devoted to specific purposes to deal with its budget crisis. Since the State has decided that it must burden local governments with some share of its budget problem, then it should help mitigate that burden by loosening restrictions on restricted funds. Though it provides no fiscal relief, any rules relating to maintenance of effort (MOE) should be suspended. Until local and State government finance is reformed, restrictions should be lifted to provide the highest levels of discretion to elected representatives to manage the financial affairs of their jurisdictions.
- **Proposed Realignment of Programs:** With the passage of Proposition 1A, the State and municipalities have entered into a new relationship whereby local property taxes, sales and use taxes, and Vehicle License Fees are constitutionally dedicated to local governments. Proposition 1A also provides that the Legislature must fund state-mandated programs; if not, the Legislature must suspend those state-mandated programs. The City agrees that any effort to realign additional programs must occur in the context of these constitutional provisions.

Telecommunications

The City supports legislation to ensure consumer access to efficient, cost-effective and innovative telecommunication services.

- **Build-out of facilities:** Address a reasonable timeframe for deployment of telecommunications services by providers that includes a clear plan for sequencing of the build-out of facilities within an entire franchise area.
- **Revenues from telecommunications:** Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- **Use of public rights-of-way:** Support local government's ability to regulate use of public rights-of way. Local governments are important and proven stewards of the public rights-of-way and are pivotal in helping to prevent public safety issues resulting from overcrowding and improper use; ensuring local emergency (911) services are provided; as well as addressing customer service and local business concerns.

- **Municipal broadband networks:** Preserve local authority to deploy and operate municipal broadband networks, either through public-private partnerships or systems wholly owned by the municipality.

Transportation and Infrastructure

- **Lower threshold for approval of transportation sales taxes:** The City supports a constitutional amendment to lower the threshold for approval of sales and use taxes for transportation purposes. Currently, such taxes must be approved by two-thirds of the voters. The City supports lowering the requirement to either 55% (the same requirement schools now face) or to a simple majority.
- **Fuel tax increase:** The voters last increased the State fuel tax in June 1990 when Proposition 111 passed. This measure doubled the State fuel tax to 18 cents a gallon. Since then, California's fuel tax rate has lost much of its buying power. The City supports fuel tax indexing or an increase to provide additional funding for local street projects and especially maintenance.
- **State funding for grade separations:** The State of California has funding set aside to assist local governments in completing grade separation projects. Such projects enhance a community's quality of life by improving the safety for autos, bicycles and pedestrians, and reducing both the noise from train whistles and the traffic delays that accompany trains crossing busy intersections. However, cities are having tremendous difficulty accessing the funding. The California Code of Regulations (Title 21, Section 1554) requires an "agreement that railroad or railroads shall contribute a minimum of 10 percent of the cost of the project without a maximum dollar limitation on the railroad's contribution, except that the contribution may be less than 10 percent of the cost of the project where expressly so provided by law." In interpreting this regulation, CalTrans has held that railroads must pledge to contribute a minimum of 10% of the actual final project cost, not of the estimated cost of the project. The railroads are reluctant to agree to this because the final project cost and, therefore, the required contribution cannot be known until the project is complete. This means the railroad would have to agree to an unknown, uncapped contribution. The City supports legislation to clarify that the railroads' required contribution shall be a minimum of 10% of the estimated project cost.
- **Preservation of eminent domain for infrastructure:** The negative public reaction to the Supreme Court's decision in the *Kelo* case threatens traditional uses of eminent domain for acquisition of property needed for public infrastructure projects. Reform proposals that would increase the costs to acquire property will have a direct

negative impact on the public. Proposed measures that would prohibit acquisition of residential property through eminent domain could stop projects needed for safety and capacity, such as widening streets. The preservation of this core use of condemnation authority is critical.

- **Transit use and wetlands:** The objective of the Clean Water Act (CWA) is to “restore and maintain the chemical, physical, and biological integrity of the Nation's waters.” The CWA, therefore, prohibits the discharge of dredged or fill material into the waters. The CWA does allow for some discharges but requires compensatory mitigation to replace the loss of wetland functions in the watershed. Compensatory mitigation is defined as, “the restoration, creation, enhancement, or in exceptional cases preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable impacts.” In California, the Department of Fish and Game usually requires three acres of wetlands be set aside for every one acre of wetlands damaged. While preserving wetlands is an important goal, the City supports legislation to reduce the requirement when other public purposes, such as transit, are served by a project. Providing for a transit facility, and thereby minimizing traffic and its associated pollution, will ultimately help the environment and protect the wetlands, possibly more than compensatory mitigation requirements. But such facilities may not be financially feasible once the cost of the compensatory mitigation is factored into the project's total cost.
- **Peak congestion:** The City supports legislation to provide funding to help mitigate the traffic impacts of projects that create peak period congestion.
- **Economic stimulus for infrastructure projects:** The City supports state and federal legislation to provide funds for local government infrastructure projects. Specifically, the City supports recommendations developed by the International City/County Management Association, National League of Cities, and National Association of Counties that encourage funding for infrastructure projects that can be initiated quickly; projects that focus on retrofitting existing building for energy efficiency; support for individuals through state and local programs that provide job training and public employment; and local government access to capital through the purchase of municipal bonds directly by the Treasury Department and the Federal Reserve. In addition, the City supports the requirement that rating agencies use comparable ratings for all securities to better reflect the financial soundness of municipal bonds.

- **Quiet Zones:** The City supports legislation that provides funding for quiet zone improvements or allows existing funding sources that pay for various types of transportation improvements to also allow use for quiet zones.

FUNDING PRIORITIES

1. **Auto Mall Parkway between I-680 and Osgood Road and Mission Blvd. between I-680 and Warm Springs Blvd:** When the Warm Springs BART Extension opens, traffic from I-680 trying to reach the Warm Springs BART station will increase the already congested segments on Auto Mall Parkway between I-680 and Osgood Road and on Mission Blvd. between I-680 and Warm Springs Boulevard. The City supports seeking regional, state or federal funding to assist with making the necessary improvements to either of these roadway segments to mitigate some of the BART impacts. **Estimated shortfall: \$4 - \$5 million.**
2. **Warm Springs BART West Entrance:** The Warm Springs BART station is designed to have access from both the east side of the station, toward the BART parking lot, and the west side of the station, toward the TESLA factory. However, the current Warm Springs Extension Project only has funding for station access from the east. With the large amount of vacant land west of the station, the City desires to provide access from the west side of the BART station to facilitate development and redevelopment of parcels west of the station. However, with the recent sale of the vacant NUMMI properties to Union Pacific Railroad, the need for access on the west side of the station is dependent upon the UPRR's ultimate use of this property. Should UPRR be willing to develop a portion of that land with uses that generate substantial BART ridership, the City supports the use of regional, state or federal funding to provide access from the properties west of the Union Pacific Railroad (UP) and BART tracks, over the UP tracks into the west side of the BART station. **Estimated shortfall: \$11 million.**
3. **Irvington BART Station:** As far back as 1979, plans for the Warm Springs BART Extension have assumed the extension would include an Irvington BART Station located near the intersection of Washington Boulevard and Osgood Road. Due to funding constraints, BART's Warm Springs Extension funding plan does not include the Irvington Station. Instead, the Irvington Station has been designated as an optional station with the City being responsible for identifying and securing the necessary funding for the station. With the recent approval of the Redevelopment Agency's Plan Amendment, sufficient Redevelopment funding now exists to fully fund the Irvington Station assuming these funds are not affected by the governor's recent budget proposal to eliminate redevelopment agencies. Although sufficient Redevelopment funding may be available, this is a very substantial project with regional transportation benefits. Therefore, the City and Agency seek regional, state and federal funding for the Irvington Station to

offset a portion of the Agency's cost. **Estimated cost: \$112 million (in 2010 dollars).**

- 4. Street/Pavement Rehabilitation:** The City's streets are our highest valued capital asset, with an investment of over \$1 billion. As any street system ages and traffic loading increases (caused by increasing traffic, changes in bus routes and the use of heavier waste hauling and delivery trucks), the long-term maintenance needs increase. The City's Pavement Management System (PMS) has identified approximately \$190 million in needed pavement maintenance over the next five years. That level of funding would bring the entire street system up to a Pavement Condition Index (PCI) of 78. The optimal PCI is 83. After one-time federal and state funding is exhausted, the City only has funding for approximately \$4.8 million annually for pavement rehabilitation projects. **Estimated shortfall: \$160 million over the next 5 years.**
- 5. Interoperability.** In July 2007, the City Council authorized the City to participate in the East Bay Regional Communications System Joint Powers Authority (EBRCSA) to build an interoperable P-25 compliant radio communications system for cities in Alameda and Contra Costa counties. The current estimated total cost for the new system is almost \$70 million. EBRCSA has secured approximately \$39 million in funding from grants and anticipates securing approximately an additional \$14 million in grant funding over the next four years. To finance the remaining \$17 million needed to complete the radio system, Alameda and Contra Costa counties increased the size of their debt issuance. As part of the debt issuance, EBRCSA asked each member agency to financially commit to participate in the debt based on the number of radios each agency will operate on the new system. On September 28, 2010, the City Council authorized the City Manager to negotiate and execute documents for EBRCSA to own, build, and operate the radio system and appropriated \$1,458,150 to Fund 599, for PWC 8673, for the one-time service payment representing the City's portion of the total debt. Prior to 2013 when the new radio system is expected to be operational, the City needs to purchase digital radio equipment for non-public safety departments in the City including Maintenance, Recreation, Building Inspection, Construction and Landscape. The radios used by the Fremont Fire Department and Police Department were replaced in Fiscal Years 2008/09 and 2009/10, respectively. The City currently has a partially funded Capital Improvement Project with a balance of \$264,354 (excluding the one-time service payment). The total project cost to replace radios for the non-public safety departments is approximately \$1 million. **Estimated shortfall: up to \$1 million.**

6. **Warm Springs BART Extension:** The Warm Springs Extension is fully funded, but the state funding component has been delayed due to delays in State transportation bond sales. Should additional funding be required as the project proceeds, the City will support BART's pursuit of additional regional, State or federal funds.
7. **Mission Boulevard/I-880 Interchange Improvement Project:** The City is working with the Alameda County Transportation Commission (ACTC)¹, CalTrans, and the Santa Clara Valley Transportation Authority (VTA) on a project to improve the Mission Boulevard interchange area. Phase IA of the project has been completed. Phase IB includes widening Mission Boulevard and constructing on and off ramps from Mission Boulevard to Kato Road, which were removed in Phase IA. Phase II includes a grade separation at Warren Avenue to facilitate the BART extension to San Jose and eliminate the Union Pacific Railroad grade crossings that are routinely blocked by freight trains. The project also requires changes to the Truck-to-Rail Transfer Facility south of Warren Avenue to accommodate the Warren Avenue Grade Separation and the future BART extension improvements. The City has committed over \$40 million to the project, including almost \$8 million of City-owned right-of-way. **Estimated shortfall for Phase 1B, and 2: None at this time, but design is only 95% complete and final construction estimates have not been prepared.**
8. **I-680/I-880 Cross Connectors:** The City has been working with ACTC and VTA regarding improving one or more connections between I-680 and I-880, called "cross connectors". VTA has completed an evaluation of the short-term and long-term projects encompassed by the cross connector study. The "short-term" improvements include improvements to the I-680/Mission Boulevard interchange and the widening of Mission Boulevard between Warm Springs Boulevard and I-680 (estimated cost \$65 million); widening of Auto Mall Parkway to six lanes (estimated cost \$40-\$45 million); and widening Fremont/Grimmer Boulevards at grade to six lanes (estimated cost \$55-\$66 million); Neither the City nor VTA has been able to identify any funding for these projects. **Estimated shortfall: \$160 - \$171 million.**
9. **ADA Compliance for Intersections:** The City desires to upgrade or install intersection ramps to comply with the latest Americans with Disabilities Act (ADA) standards within the public right-of-way. The new ramps will meet the ADA

¹ The Alameda County Transportation Commission (ACTC) is a newly-formed countywide transportation agency resulting from a merger of the Alameda County Transportation Improvement Authority (ACTIA) and the Alameda County Congestion Management Agency (ACCMa).

requirements for slopes, landings, and detectable warning surfaces. The ramps will improve the accessibility of public sidewalks, and the detectable warning surfaces will alert visually impaired pedestrians to the presence of an intersection.

Estimated shortfall: \$45 million.

10. **Sidewalk Repair:** The City's infrastructure, in many areas, is over fifty years old, and the street trees are just as old or older. The roots from these street trees can displace pavement and cause hazardous conditions for pedestrians and cyclists. The City now provides temporary patches and has a long-term plan to fix sidewalks. However, the needs exceed the City's available resources. As the City ages, this problem will grow unless funds can be secured to increase capacity to deal with the street trees and sidewalks. **Estimated shortfall: up to \$25 million.**
11. **Citywide Fiber Optic and Intelligent Transportation Systems (ITS) Deployment:** As the City's existing copper signal interconnect cable (that communicates media for the City's traffic signals) ages and becomes obsolete, it needs to be replaced by high bandwidth fiber optic cable. The use of fiber optic cable provides unlimited possibilities to serve other City needs and facilities not available in the past with copper interconnect cable. Fiber optic cables can link traffic signals, closed circuit television cameras, and changeable message signs. In addition, the use of fiber optic cable gives the City the ability to provide a more secure and reliable high bandwidth connection to other city facilities such as fire stations, community centers, recreation centers, and libraries. These facilities are either not connected at all, or they are on less reliable, lower bandwidth, leased lines. Installing fiber optic cable also gives the City the opportunity to provide wireless private and public "hotspots" at high-density public gathering places. These hot-spots will facilitate emergency response by providing both police officers and firefighters with the same online computer access in their vehicles on the street as they would get if they were sitting in a City office. This project, which can be phased and constructed on a segment-by-segment basis, would install fiber optic cable throughout Fremont to interconnect facilities such as traffic signals, fire stations, community centers, recreation centers, and libraries. In addition, the installation of closed circuit television cameras and changeable message signs throughout the city would enable staff to better manage and direct traffic. **Estimated cost: \$12 million.**
12. **Mowry Avenue Widening between Overacker Avenue and Mission Boulevard (under two active railroad bridges):** The segment of Mowry Avenue between Overacker Avenue and Mission Boulevard passes under two old narrow railroad

bridges that force the roadway to narrow to one lane in each direction. This segment of Mowry is one of the most congested roadways in the City. In fact, this segment was determined to be "deficient" by the County's Congestion Management Agency. To eliminate the bottleneck, this segment of Mowry Avenue needs to be widened to two lanes in each direction. This requires demolishing and reconstructing both railroad bridges while maintaining freight service and widening the street. **Estimated cost: \$50 - \$55 million.**